

## Article - Family Law

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§12-102.3.

(a) (1) This section applies to administrative contests of withholdings from an employee's earnings made by an employer for the purpose of complying with this title.

(2) Nothing in this section may be construed to limit an employee's right to judicially contest an underlying court order requiring the employee to provide health insurance coverage for the employee's child.

(b) (1) An employee may only contest a withholding under this section based on a mistake of fact.

(2) The only issues that may be contested are:

(i) the identity of the employee;

(ii) whether there is an underlying court order requiring the employee to provide health insurance coverage for the employee's child;

(iii) that the amount of the withholding exceeds the limits of the federal Consumer Credit Protection Act; and

(iv) that the child for whom health insurance coverage is sought is emancipated.

(c) An employee may contest a withholding by sending a written request for an investigation to the Administration within 15 days after receiving notice of the withholding from the employer.

(d) If an employee requests an investigation, the Administration:

(1) shall conduct an investigation within 15 days after the request;  
and

(2) on completion of the investigation, shall notify the employee of the results of the investigation and the employee's right to appeal the decision of the Administration to the Office of Administrative Hearings.

(e) (1) (i) An employee may appeal the Administration's decision to the Office of Administrative Hearings by filing a written request for a hearing with the Administration or the Office of Administrative Hearings.

(ii) The request for a hearing shall be made:

1. on a form provided by the Administration; and
2. within 15 days after receiving the written results of the Administration's investigation.

(2) The only issues that may be contested in an administrative hearing are:

- (i) the identity of the employee;
- (ii) whether there is an underlying court order requiring the employee to provide health insurance coverage for the employee's child;
- (iii) that the amount of the withholding exceeds the limits of the federal Consumer Credit Protection Act; and
- (iv) that the child for whom health insurance coverage is sought is emancipated.

(3) An appeal under this section shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(f) Enrollment of the employee's child may not be stayed or terminated until the employer receives written notice that the contest is resolved in the employee's favor.

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